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September 27, 2021

VIA ECF

Hon. Brian M. Cogan
United States Courthouse
225 Cadman Plaza East
Brooklyn, N.Y. 11121

Re: *C.H. v. N.Y.C. Dep't of Educ.*, 21-cv-3760 (BMC)

Dear Judge Cogan:

I am a Senior Assistant Corporation Counsel in the office of Corporation Counsel Georgia M. Pestana, supervising attorney for Defendant in the above-referenced action wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*, as well as for this action.

I write—with Plaintiff's consent—to respectfully request a three-week enlargement of the briefing schedule in this matter to allow the parties time to fully resolve this case. The need for this request is due to the slight delay for Defendant's counsel resulting from a death in the family in early September, as well as continued administrative difficulties flowing from the ongoing replacement of all hardware and software within the Law Department following the hack in June of this year. This is the first request for an extension of the briefing schedule in this case (motion due September 30, opposition due October 7, and reply due October 14, 2021).

We apologize for not having included this request in the submission of last Friday (nor any mention of the briefing schedule as required by Your Honor's Individual Practices § I.E.1.e) seeking an extension of Defendant's time to answer (which will be filed today), which the Court denied (*see* entry following ECF 11), and for the inconvenience for the Court arising from these oversights. We have informed Plaintiff's counsel that we will be prepared to make a settlement offer within a week, as that internal process between my office and the Office of the Comptroller is nearly completed. We note that we have been successful in resolving all similar matter with Plaintiff's counsel, and fully expect that this case will take that same course.

We therefore respectfully request that Plaintiff's motion be due by October 21, opposition papers, if any, by October 28, and reply papers, if any, by November 4, 2021.

Thank you for considering this request.

Respectfully submitted,

/s/

Martin Bowe

Senior Assistant Corporation Counsel

cc: Erika L. Hartley, Esq (via ECF)